



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, May 22, 2018

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Members absent/excused: None.

Representative Lucido moved to adopt the minutes of May 16, 2018. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bills before the committee:

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| SB 871 | (O'Brien) | Criminal procedure; statute of limitations; statute of limitations for certain criminal sexual conduct violations; modify. |
| SB 872 | (Knezek) | Civil procedure; statute of limitations; statute of limitations for criminal sexual conduct violations; extend retroactively, and add grace period for minor victims of criminal sexual conduct. |
| HB 5793 | (Theis) | Health occupations; health professionals; additional individual present during certain examinations of minors; require, and require consent for treatment. |
| HB 5783 | (Whiteford) | Health; medical records; provision for the protection, retention, and maintenance of medical records referencing a vaginal or anal penetration treatment for 15 years by a health professional and health facility or agency; implement. |
| HB 5784 | (Hauck) | Criminal procedure; sentencing guidelines; sentencing guidelines for the crime of intentionally failing to document certain services in a medical record and performing certain medical treatments on a minor without consent and another individual present; enact. |
| HB 5787 | (Kesto) | Crimes; criminal sexual conduct; sexual contact and sexual penetration under pretext of medical treatment; prohibit, and provide penalties. |

HB 5788	(Geiss)	Criminal procedure; sentencing guidelines; sentencing guidelines for sexual contact or sexual penetration under pretext of medical treatment; modify.
HB 5789	(Noble)	Health occupations; health professionals; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for.
HB 5790	(Rendon)	Health occupations; health professionals; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for.
HB 5794	(Iden)	Crimes; penalties; crime of aggravated production, financing, and distribution of child sexually abusive material; provide for.
HB 5660	(Love)	Crimes; penalties; crime of aggravated possession of child sexually abusive material; provide increased penalty.
HB 5661	(Farrington)	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of aggravated possession of child sexually abusive material; provide for.
HB 5537	(Kesto)	Crimes; other; preventing reporting of crime; prohibit by use of position of authority.
HB 5658	(Cox)	Criminal procedure; evidence; admissibility of prior acts of sexual crimes; allow under certain circumstances.
HB 5798	(Albert)	Crime victims; statements; definition of the term "victim" for purposes of impact statements; expand.
HB 5791	(Chang)	Education; students; information regarding sexual assault and harassment; require schools to provide to students and encourage related professional development.
HB 5539	(LaSata)	Law enforcement; other; potential harm or criminal acts in the student safety act; include sexual abuse, assault, and rape.
HB 5799	(Hornberger)	Elections; other; procedure for the removal of official on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University; clarify.

HB 5659	(Griffin)	Children; protection; mandatory reporting requirements for child abuse or child neglect; expand to include K-12 coaches and volunteers.
HB 5796	(Pagan)	Children; protection; distribution of training package to individuals designated as mandatory reporters for child abuse or child neglect; require.
SB 874	(Jones)	Children; child abuse or child neglect; failure to report suspected child abuse or neglect; increase penalties.
SB 880	(Jones)	Criminal procedure; sentencing guidelines; penalty for not reporting child abuse; increase.
HB 5797	(Pagan)	Civil rights; public records; identity of parties proceeding anonymously in civil actions alleging sexual misconduct; exempt from disclosure under freedom of information act.
HB 5800	(Rabhi)	Education; discipline; certain actions regarding pupil who reports being sexually assaulted; require, and prohibit pupil from being expelled for reported incident.
HB 5795	(Singh)	Civil rights; sex discrimination and harassment; office of college campus sexual assault ombudsman; create within department of civil rights.
HB 5792	(Hoadley)	Higher education; other; campus sexual assault response improvement plan and grant act; create.
HB 6043	(Clemente)	Education; employees; requirement for districts and public school academies to request certain information on unprofessional conduct for job applicants and a requirement to send that information to the department; establish.
HB 5982	(Cambensy)	Crimes; other; preventing reporting of certain alleged crimes to title IX coordinator by use of position of authority; prohibit.

Deborah Skousen, representing herself, testified in support of the bills, and submitted written testimony. Questions and discussion followed.

David W. Thompson, representing himself, testified in support of HB 5798, and submitted written testimony. Questions and discussion followed.

Kathy Hagenian and Tom Cottrell, representing the Michigan Coalition to End Domestic and

Sexual Violence, testified in support of HB 5537 and HB 5791; still working with sponsor on HB 5795; and support in concept on SB 871. Questions and discussion followed.

Andrew Campbell, representing himself, testified in opposition to SB 872.

Representative Cambensy and Representative Clemente testified together in support of HB 5982 and HB 6043. Questions and discussion followed.

Bill Stone, the Deputy Director/Deputy Legal Counsel for the House Republican Policy Office and Representative Chang explained the substitutes to the bills.

Lore A. Rogers submitted a card and written statements with no position on HB 5795; in support and requesting language change on HB 5789, HB 5790, HB 5787, HB 5788; and in support in concept of HB 5792; and in support of HB 5539, HB 5791, but did not wish to speak.

Stacie Bladen, representing the Michigan Department of Health and Human Services, submitted a card with a neutral position on HB 5796, but not wishing to speak.

Kimberly Buddin, representing the American Civil Liberties Union of Michigan, submitted a card with a neutral position on HB 5659 and SB 871 and in opposition to HB 5660, HB 5661, SB 880 and SB 874, but did not wish to speak.

Representative Lucido moved to adopt substitute (H-1) to SB 871. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: Rep. Albert.

Pass: None.

Representative Chang moved to adopt substitute (H-1) to SB 872. The motion prevailed, the vote being 10-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra.

Nays: None.

Pass: Reps. Liberati, Wittenberg.

Representative Lucido moved to adopt substitute (H-1) to HB 5787. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.
Pass: None.

Representative Lucido moved to adopt substitute (H-1) to HB 5659. The motion prevailed, the vote being 12-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.
Nays: None.
Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 5796. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.
Nays: Rep. Robinson.
Pass: None.

Representative Lucido moved to adopt substitute (H-1) to SB 874. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.
Nays: Rep. Robinson.
Pass: None.

Representative Graves moved to adopt substitute (H-1) to SB 880. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.
Nays: Rep. Robinson.
Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 5795. The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Chang, Guerra, Liberati, Wittenberg.
Nays: Reps. Albert, Robinson.

Pass: None.

Representative Chang moved to adopt substitute (H-1) to HB 5792. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Rep. Albert.

Representative Chang moved to adopt substitute (H-1) to HB 5797. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Theis offered the following amendment to HB 5660 (H-1):

1. Amend page 7, line 19, after "(B)" by inserting "**AND SECTION 145G**".

Representative Theis moved to adopt the amendment to the bill. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 10:20 a.m.

Representative Klint Kesto, Chair_____

Melissa Weipert, Committee Clerk
House Law and Justice Committee
mweipert@house.mi.gov
(517) 373-5176